



4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Information Collection: Prospecting for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf and Authorizations of Noncommercial Geological and Geophysical Activities; Proposed Collection for OMB Review; Comment Request

MMAA104000

ACTION: 30-day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is notifying the public that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. The ICR pertains to the regulations under 30 CFR 580, *Prospecting for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf*, as well as authorizations of noncommercial geological and geophysical (G&G) activities issued pursuant to Section 11 of the Outer Continental Shelf Lands Act (OCSLA). This notice provides the public a second opportunity to comment on the paperwork burden of this collection.

DATES: Submit written comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit comments on this ICR to the Desk Officer for the Department of

the Interior at OMB-OIRA at (202) 395-5806 (fax) or OIRA_submission@omb.eop.gov (email). Please provide a copy of your comments to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166 (mail) or nicole.mason@boem.gov (email). Please reference ICR 1010-0072 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Office of Policy, Regulations, and Analysis at nicole.mason@boem.gov (email) or (703) 787-1025 (phone). You may review the ICR online at <http://www.reginfo.gov>. Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1010-0072.

Title: 30 CFR 580, Prospecting for Minerals other than Oil, Gas, and Sulphur on the Outer Continental Shelf and Authorizations of Noncommercial Geological and Geophysical (G&G) Activities.

Form: BOEM-0134, Requirements for G&G Prospecting, Exploration, or Scientific Research on the OCS Related to Minerals Other than Oil, Gas, and Sulphur.

Abstract: The Outer Continental Shelf (OCS) Lands Act (OCSLA), as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Section 1337(k) of the OCS Lands Act authorizes the Secretary “. . . to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as

the Secretary may prescribe at the time of offering the area for lease.” An amendment to the OCS Lands Act (P.L. 103-426) authorizes the Secretary to negotiate agreements (in lieu of the previously required competitive bidding process) for the use of OCS sand, gravel, and shell resources for certain specified types of public uses. The specified uses will support construction of governmental projects for beach nourishment, shore protection, and wetlands enhancement, or any such project authorized by the Federal Government.

Section 1340 of the OCSLA states that “. . . any person authorized by the Secretary may conduct geological and geophysical explorations in the [O]uter Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area.” Geological and geophysical exploration can only be performed pre-lease under a permit, authorization, or scientific research notice. The section further requires that permits to conduct such activities may only be issued if it is determined that the applicant is qualified; the activities do not result in pollution or create hazardous or unsafe conditions; the activities do not unreasonably interfere with other uses of the area or disturb any site, structure, or object of historical or archaeological significance.

Prospecting for marine minerals includes certain aspects of exploration as defined in the OCSLA at 43 U.S.C. 1331(k). The term “exploration” means the process of searching for minerals, including geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals. The OCSLA requires all parties who are prospecting marine minerals for commercial purposes to be authorized. The OCSLA also requires non-Federal parties (such as State agencies and

contractors of State agencies) to obtain authorization from the Secretary to conduct noncommercial G&G exploration activities (see 43 U.S.C. 1340(a)(1)).

As a Federal agency, BOEM has a responsibility to comply with the National Environmental Policy Act (NEPA), Endangered Species Act, and Marine Mammal Protection Act, among other environmental laws. This includes a substantive duty not to take any agency action that may affect a protected species, as well as a procedural duty to consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, when warranted, before engaging in a discretionary action that may affect a protected species.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and the OMB Circular A-25 authorize Federal agencies to recover the full cost of services that confer special benefits. All G&G permits for commercial prospecting are subject to cost recovery, and BOEM regulations specify service fees for these requests.

The authority to carry out these responsibilities is contained in regulations under 30 CFR 580, as well as OCSLA Section 11 (43 U.S.C. § 1340(a)(1)) , which is the subject of this information collection renewal. BOEM uses the information to ensure there is no environmental degradation, personal harm, or unsafe operations and conditions, damage to historical or archaeological sites, or interference with other uses; to analyze and evaluate preliminary or planned mining activities; to monitor progress and activities in the OCS; to acquire G&G data and information collected under a Federal permit offshore; and to determine eligibility for reimbursement from the Government for certain costs. Respondents are required to submit form BOEM-0134 to provide the

information necessary to evaluate their qualifications, and upon approval, respondents are issued a permit or authorization.

BOEM uses the information collected to understand the G&G characteristics of marine mineral-bearing physiographic regions of the OCS. The information aids BOEM in obtaining a proper balance among the potentials for environmental damage, the discovery of marine minerals, and associated impacts on affected coastal States.

In this renewal, BOEM is expanding the use of form BOEM-0134 to include applications to conduct noncommercial prospecting (exploration) of marine minerals, such as OCS sand, gravel, and shell resources for public use. BOEM is also updating the form to clarify the types of copies being requested, delete incorrect language, make recommendations for faster processing, update addresses, and reference environmental mitigation requirements. To respond to the types of questions BOEM receives on the form, BOEM is also clarifying wording, providing examples/tables to reduce confusion, and clarifying Regional differences, when necessary, to further assist applicants. BOEM is not asking for more information, just outlining current requirements in more detail. However, to better account for the requirement to submit environmental information sufficient for the environmental review, BOEM is increasing the burden hours from 10 to 88 hours for all OCS Regions. We are also adding the terms “authorization(s)” and “exploration” throughout the form so that the form also serves as the instrument to authorize entities to carry out noncommercial prospecting (exploration) of marine minerals.

Responses are mandatory or required to obtain or retain a benefit. No questions of a sensitive nature are asked. The BOEM protects information considered proprietary

according to 30 CFR 580.70, applicable sections of 30 CFR parts 550 and 552, and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

Frequency: On occasion, annual, or as specified in permits.

Estimated Number and Description of Respondents: There are four to seven permittees/respondents, including those required to only file notices (scientific research).

Estimated Reporting and Recordkeeping Hour Burden: We estimate the burden for this information collection to be a total of 488 hours. The following table details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Burden Table

Citation 30 CFR part 580, as applicable	Reporting and Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden ¹		
Subpart B				
10; 11(a); 12; 13; Permit Form	Apply for permit or authorization (Form BOEM-0134) to conduct prospecting/exploration or G&G scientific research activities, including prospecting/scientific research plan and environmental assessment or required drilling plan. Provide notifications & additional information as required.	88	2 permits	176
			2 authorizations	176
		\$2,012 permit application fee x 2 permits ² = \$4,024		
11(b); 12(c)	File notice to conduct scientific research activities related to hard minerals, including notice to BOEM prior to beginning and after concluding activities. Arrange alternative deadline.	8	3 notices	24
Subtotal			7 Responses	376 Hours
			\$4,024 Non-Hour Cost Burden	
Subpart C				
21(a)	Report to BOEM if hydrocarbon/other	1	1 report	1

Citation 30 CFR part 580, as applicable	Reporting and Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden ¹		
	mineral occurrences or environmental hazards are detected or adverse effects occur.			
22	Request approval to modify operations, with required information.	1	2 requests	2
23(b)	Request reimbursement for expenses for BOEM inspection.	1	3 requests	3
24	Submit status and final reports on specified schedule/format.	12	4 reports	48
28	Request relinquishment of permit.	1	1 relinquishment ³	1
31(b); 73	Governor(s) of adjacent State(s) submissions to BOEM: Comments on activities involving an environmental assessment; request for proprietary data, information, and samples; and disclosure agreement.	1	3 submissions	3
33, 34	Appeal penalty, order, or decision – burden exempt under 5 CFR 1320.4(a)(2), (c).			0
Subtotal			14 Responses	58 Hours
Subpart D				
40; 41; 50; 51; Permit Form	Notify BOEM and submit G&G data/information collected under a permit and/or processed by permittees or 3 rd parties, including reports, logs or charts, results, analyses, descriptions, etc., as required.	8	3 submissions	24
42(b); 52(b)	Advise 3 rd party recipient of obligations. Part of licensing agreement between parties; no submission to BOEM.	1/2	4 notices	2
42(c), (d); 52(c), (d)	Notify BOEM of 3 rd party transactions.	1	1 notice	1
60; 61	Request reimbursement for costs of reproducing data/information & certain processing costs.	1	1 request ³	1
70	Enter disclosure agreement.	4	1 agreement	4
72(b)	Submit in not less than 5 days comments on BOEM's intent to disclose data/information.	4	1 response	4
72(d)	Contractor submits written commitment not to sell, trade, license, or disclose data/information.	4	2 submissions	8
Subtotal			13 Responses	44 Hours
General				
Part 580	General departure and alternative	4	1 request	4

Citation 30 CFR part 580, as applicable	Reporting and Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden ¹		
	compliance requests not specifically covered elsewhere in Part 580 regulations.			
Permits ⁴	Request extension of permit/authorization time period.	1	2 extensions	2
Permits ⁴	Retain G&G data/information for 10 years and make available to BOEM upon request.	1	4 respondents	4
Subtotal			7 Responses	10 Hours
Total Burden			41 Responses	488 Hours
			\$4,024 Non-Hour Cost Burdens	

¹ Fees are subject to modification per inflation annually.

² Only permits, not authorizations, are subject to cost recovery.

³ No requests received for many years. Minimal burden for regulatory (PRA) purposes only.

⁴ These permits/authorizations are prepared by BOEM and sent to respondents; therefore, the forms themselves do not incur burden hours.

Estimated Reporting and Recordkeeping “Non-Hour Cost” Burden: We have identified one non-hour cost burden for this collection. Under § 580.12(a), there is an application fee of \$2,012 when respondents submit a permit application (refer to the table above). Respondents conducting scientific research are required only to file a notice with BOEM and are not subject to the cost recovery fee.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our burden estimates;

- Ways to enhance the quality, utility, and clarity of the information to be collected;
and
- Ways to minimize the burden on respondents.

To comply with the public consultation process, on December 30, 2014, BOEM published a Federal Register notice (79 FR 78473) announcing that we would submit this ICR to OMB for approval. This notice provided the required 60-day comment period. We received two comments. The first comment is not germane to the collection; and the second comment, from North American Submarine Cable Association (NASCA), urges BOEM to modify form BOEM-0134 to require permit applicants to identify and coordinate with NASCA with respect to submarine cables in the vicinity of any planned marine minerals activities. BOEM appreciates the detailed comments that NASCA submitted. We noted the new suggested mitigation measures not included in prior NASCA comments. Please note that a reference to submarine does appear in the form itself (under General Requirements of Permits and Notices paragraph E). Furthermore, we will add "Submarine Cable Coordination" to the list of Stipulations we attach to every permit. The NASCA would need to provide points of contact etc., for the permittee. The matter would then be dealt with between the permittee and NASCA.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 14, 2015.

Deanna Meyer-Pietruszka,
Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2015-09589 Filed: 4/23/2015 08:45 am; Publication Date: 4/24/2015]